



NEWS

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(415) 865-7740
Lynn Holton, Public Information Officer

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF MARCH 26, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-32 People v. Anderson, S094710. (A087698; 85 Cal.App.4th 565.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited the issues to whether and, if so, to what extent, duress is a defense to a homicide-related crime, and whether the trial court prejudicially erred in refusing a duress instruction in this case. Similar issues are before the court in People v. Reay, S093980 (#01-23).

#01-33 People v. Lee, S094597. (F028940; 85 Cal.App.4th 706, mod. 86 Cal.App.4th 383e.) Petition for review after the Court of Appeal modified and otherwise affirmed judgments of conviction of criminal offenses. The court limited the issues to whether, in order to be convicted of an attempt to commit willful, deliberate and premeditated murder under Penal Code section 664, subdivision (a), an aider and abettor personally must have acted with premeditation and deliberation, and, if so, what standard of prejudicial error applies to a failure to so instruct the jury.

#01-34 People v. Roberge, S094627. (D034189; 85 Cal.App.4th 696.) Petition for review after the Court of Appeal affirmed an order of commitment as a sexually violent predator. This case concerns whether, in a proceeding under the Sexually Violent

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Predators Act, the trial court erred in refusing to instruct the jury, upon request, that in determining whether it is “likely that [defendant] will engage in predatory sexually violent criminal behavior” (Welf. & Inst. Code, § 6600, subd. (a)), the term “likely” means “more likely than not.”

#01-35 Shively v. Bozanich, S094467. (B130905, B133983; 85 Cal.App.4th 363.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case involves the issue of whether, in a libel action that is based on the republication of an allegedly defamatory statement in a book that is circulated to the general public, the statute of limitations begins to run when the book is first generally distributed to the public or when the plaintiff knew or should have known of the publication.

DISPOSITIONS

#00-112 Teyssier v. City of San Diego, S090271, was dismissed and remanded to the Court of Appeal.

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